

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BULMARO BARRAGAN-VALENCIA,

Defendant.

No. CR-09-2048-WFN-1

ORDER DENYING DEFENDANT'S
MOTION FOR REVIEW OF ORDER
FOR DETENTION

Date of bail hearing: **June 5, 2009**

On May 13, 2009, the Defendant waived his right to a bail hearing. Upon the Defendant's motion for review, the court has considered the Pretrial Services Report and proffers of the parties. The court, based upon the factual findings and statement of reasons for detention hereafter set forth, and as stated in court, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

☐ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that Defendant is a flight risk and a danger to the community based on the nature of the pending charge. Application of the presumption is appropriate in this case.

☐ Defendant has a history of: ☐ Failures to appear

☐ Failures to comply

☒ Defendant has few or no ties to the community.

- 1 ☐ Defendant has a ☐ significant criminal history.
- 2 ☐ Defendant has an outstanding warrant(s).
- 3 ☐ Defendant does not have a suitable residence.
- 4 ☐ Defendant appears to suffer from chemical dependency.
- 5 ☐ The Grand Jury has found probable cause.
- 6 ☒ Other: No amount of bond will reasonably assure the appearance
7 of the Defendant as required because of the nature and circumstances
8 of the alleged crime.
- 9 ☐ The court finds the Defendant is not supervisable.
- 10 ☒ By a preponderance of the evidence there are no conditions or
11 combination of conditions other than detention that will reasonably
12 assure the appearance of Defendant as required.
- 13 ☐ By clear and convincing evidence there are no conditions or
14 combination of conditions other than detention that will ensure the
15 safety of the community.
- 16 ☐ Defendant is currently on probation/supervision resulting from
17 a prior offense.
- 18 ☐ Bureau of Immigration and Customs Enforcement Detainer.

19 **IT IS ORDERED:**

20 1. Defendant shall be held in detention pending disposition
21 of this case or until further order of the court. If Defendant
22 waived a bail hearing, or should circumstances change, Defendant may
23 petition the court to reopen the detention issue by written motion
24 to amend and request for hearing, served upon the United States
25 Attorney.

26 2. Defendant is committed to the custody of the U.S. Marshal
27 for confinement separate, to the extent practicable, from persons
28 awaiting or serving sentences or being held in custody pending

1 appeal.

2 3. Defendant shall be afforded reasonable opportunity for
3 private consultation with counsel.

4 4. If the Defendant seeks review of this Order pursuant to 18
5 U.S.C. § 3145(b), attorney for Defendant shall file a written motion
6 for revocation or amendment of this Order within ten (10) days
7 before the district judge to whom this case is assigned and note it
8 for hearing at the earliest possible date. Both parties are
9 responsible to ensure the motion is determined promptly.

10 DATED June 5, 2009.

11
12 s/James P. Hutton
13 JAMES P. HUTTON
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28